

AMENDED IN ASSEMBLY JUNE 19, 2006
AMENDED IN ASSEMBLY AUGUST 25, 2005
AMENDED IN SENATE MAY 27, 2005
AMENDED IN SENATE APRIL 13, 2005
AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 1070

**Introduced by Senator Kehoe
(Coauthor: Senator Alquist)**

February 22, 2005

An act to amend ~~Sections 13167 and 13225~~ *Section 13167* of, and to repeal and add Section 13181 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1070, as amended, Kehoe. Water quality information.

(1) Existing law, the Porter-Cologne Water Quality Control Act, requires the State Water Resources Control Board, in conjunction with the California regional water quality control boards, to implement a public information program on matters involving water quality and to maintain an information file on water quality research and other pertinent matters.

This bill would require the state board, *with the assistance of the regional boards, to implement a public information program on water quality matters and to place and maintain* on its *Internet* Web site a public information file on water quality *monitoring, assessment,* research, standards, regulation, enforcement, and other pertinent matters, as prescribed.

(2) The act requires the state board, to the extent that funds are available, to prepare and complete, on or before January 1, 2000, an inventory of existing water quality monitoring activities within state coastal watersheds, bays, estuaries, and coastal waters.

This bill would repeal that provision and would require the California Environmental Protection Agency and the Resources Agency, on or before December 1, ~~2006~~ 2007, to enter into a memorandum of understanding for the purposes of establishing the California Water Quality Monitoring Council, which the state board would be required to administer. *The bill would require the monitoring council to review existing water quality monitoring, assessment, and reporting efforts and to recommend specific actions and funding needs necessary to coordinate and enhance those efforts.* The bill would require the memorandum of understanding to describe the means by which the monitoring council, ~~to the extent funding is available,~~ shall *formulate recommendations to* (a) ~~work to~~ reduce redundancies, inefficiencies, and inadequacies in existing water quality monitoring *and data management* programs and (b) ensure that water quality improvement projects financed by the state ~~or federal government~~ provide specific information necessary to track project effectiveness with regard to achieving clean water and healthy ecosystems. The bill would require the monitoring council to undertake various actions relating to water quality data collection. The bill, ~~to the extent funding is available,~~ would require the Secretary of the California Environmental Protection Agency, commencing December 1, 2008, to conduct a ~~biennial~~ *triennial* audit of the effectiveness of a comprehensive monitoring program strategy, which the state board would be required to develop and implement ~~to the extent funding is available for that purpose.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The Legislative Analyst's Office has concluded that
- 4 ambient water quality monitoring is the foundation for much of
- 5 the work of the State Water Resources Control Board, including
- 6 basin planning, standards setting, and permitting.

1 (b) The Government Accounting Office has determined that
2 the United States Environmental Protection Agency (EPA) and
3 the states need comprehensive water quality monitoring and
4 assessment information on environmental changes and conditions
5 over time and that, in the absence of this information, it is
6 difficult for the EPA and the states to establish priorities,
7 evaluate the success of programs and activities, and report on
8 accomplishments.

9 (c) The National Research Council has similarly
10 recommended the development of a uniform, consistent approach
11 to ambient water quality monitoring and data collection,
12 increased resources for water monitoring, and improved
13 coordination of monitoring.

14 (d) According to California's 2002 biennial monitoring report
15 to the EPA, the state can only report on the health of 22 percent
16 of its coastal shoreline, 34 percent of its lakes and reservoirs, and
17 15 percent of its rivers and streams due to a lack of monitoring
18 data. There is no single place where the public can go to get a
19 specific look at the health of water bodies in its own backyard, or
20 even to get an overall picture of the health of the state's waters.

21 (e) State water board funding for ambient surface water
22 monitoring has fluctuated significantly over the years, and is
23 inadequate to ensure the assessment of all waters. The
24 monitoring efforts that are underway could be enhanced
25 significantly with increased coordination of the many separate
26 monitoring activities that are going on at the local, state, and
27 federal levels. Historically, the use of different protocols and data
28 management systems have typically precluded the full and
29 effective use of available water quality monitoring data.

30 (f) The development of new programs to control agricultural
31 and timber pollution, and the implementation of hundreds of new
32 projects financed by bond funds to improve water quality, may
33 produce water quality improvements that should be documented.
34 The State of California cannot afford to waste the opportunities
35 provided by these and other water quality improvement
36 programs.

37 (g) Numerous water monitoring efforts are conducted by local,
38 state, and federal agencies, regulated entities, and citizen
39 monitoring groups. Many of these efforts are uncoordinated, and
40 as a result funds and information are not being used as effectively

1 as they could be. In addition, redundant monitoring activities can
2 occur because of a lack of basic information relative to the scope
3 of monitoring activities throughout the state. For example, there
4 are 100 water quality monitoring efforts underway in the central
5 valley alone, and coordination is minimal.

6 ~~(h) The state's Nonpoint Source Pollution Monitoring Council~~
7 ~~should be expanded to provide a complete, coordinated picture of~~
8 ~~current and changing water health throughout the state, to inform~~
9 ~~the public with regard to safe use of its waters, and to report to~~
10 ~~the public on the success of efforts to protect and restore those~~
11 ~~waters.~~

12 ~~(i)~~
13 (h) Better coordination of ongoing monitoring efforts, and
14 more targeted identification of specific monitoring needs, would
15 place California in a better position to obtain additional needed
16 monitoring funding, particularly federal funding. Additional
17 support can be found through the savings provided by increased
18 coordination and integration of existing monitoring efforts.

19 ~~(j)~~
20 (i) Californians should be able to readily access basic
21 information that already exists about the state's waters and how
22 those waters are protected and restored. By their recent approval
23 of a constitutional amendment (Proposition 59), California voters
24 have indicated their strong support for open and transparent
25 government. The "government" of state waters should be carried
26 out in a similarly open manner. At a minimum, all information
27 that is currently available to agencies should be made readily
28 available to the public via the Internet.

29 SEC. 2. Section 13167 of the Water Code is amended to read:

30 13167. (a) The state board shall implement, *with the*
31 *assistance of the regional boards*, a public information program
32 on matters involving water quality, and shall ~~maintain and place~~
33 ~~on its place and maintain on its Internet~~ Web site, in a format
34 accessible to the general public, an information file on water
35 quality *monitoring, assessment*, research, standards, regulation,
36 enforcement, and other pertinent matters.

37 (b) The information file described in subdivision (a) shall
38 ~~include, but need not be limited to, information relating to~~
39 ~~permits, waste discharge requirements, waivers, reports, lists,~~
40 ~~charts, standards, objectives, agreements, enforcement actions,~~

1 ~~and other information and documents prepared pursuant to~~
2 ~~Sections 13164, 13170.1, 13181, 13240, 13241, 13243, 13260,~~
3 ~~13263, 13266, 13267, 13269, 13320, 13323, 13376, 13377, and~~
4 ~~13399.27. To the maximum extent practicable given available~~
5 ~~funding, the include, but need not be limited to, copies of permits,~~
6 ~~waste discharge requirements, waivers, enforcement actions, and~~
7 ~~petitions for review of these actions pursuant to this division. The~~
8 ~~file shall include copies of water quality control plans and~~
9 ~~policies, including any relevant management agency agreements~~
10 ~~pursuant to this chapter and Chapter 4 (commencing with~~
11 ~~Section 13200), and monitoring data and assessment~~
12 ~~information, or shall identify Internet links to that information.~~
13 ~~The state board, in consultation with the regional boards, shall~~
14 ~~ensure that the information is available in single locations, rather~~
15 ~~than separately by region, and that the information is presented in~~
16 ~~a manner easily understandable by the general public.~~

17 SEC. 3. Section 13181 of the Water Code is repealed.

18 SEC. 4. Section 13181 is added to the Water Code, to read:

19 13181. (a) (1) ~~On or before December 1, 2006 2007, the~~
20 ~~California Environmental Protection Agency and the Resources~~
21 ~~Agency shall enter into a memorandum of understanding for the~~
22 ~~purposes of establishing the California Water Quality Monitoring~~
23 ~~Council, which shall be administered by the state board. The~~
24 ~~California Water Quality Monitoring Council shall include, but~~
25 ~~need not be limited to, the members of the existing California~~
26 ~~Nonpoint Source Tracking and Monitoring Council, as well as~~
27 ~~representatives of the public, the regulated community, and~~
28 ~~citizen monitoring groups. The purpose of the California Water~~
29 ~~Quality Monitoring Council shall be to build upon the work of~~
30 ~~the existing California Nonpoint Source Tracking and~~
31 ~~Monitoring Council and to identify specific recommended~~
32 ~~actions and funding needs necessary to coordinate and enhance~~
33 ~~the water quality monitoring efforts of federal, state, regional,~~
34 ~~and local government, institutions of higher education,~~
35 ~~representatives of the regulated community, citizen monitoring~~
36 ~~groups, and other interested parties. The~~

37 (2) *As used in this section, “monitoring council” means the*
38 *California Water Quality Monitoring Council established*
39 *pursuant to this section.*

1 (3) *The monitoring council may include representatives from*
2 *state entities and nonstate entities. The representatives from*
3 *nonstate entities may include, but need not be limited to,*
4 *representatives from federal and local government, institutions of*
5 *higher education, the regulated community, citizen monitoring*
6 *groups, and other interested parties.*

7 (4) *The monitoring council shall review existing water quality*
8 *monitoring, assessment, and reporting efforts, and shall*
9 *recommend specific actions and funding needs necessary to*
10 *coordinate and enhance those efforts.*

11 (5) (A) *The recommendations shall be prepared for the*
12 *ultimate development of a cost-effective, coordinated, integrated,*
13 *and comprehensive statewide network for collecting and*
14 *disseminating water quality information and ongoing*
15 *assessments of the health of the state's waters and the*
16 *effectiveness of programs to protect and improve the quality of*
17 *those waters. Among*

18 *(B) For purposes of developing recommendations pursuant to*
19 *this section, the monitoring council shall initially focus on the*
20 *water quality monitoring efforts of state agencies, including, but*
21 *not limited to, the state board, the regional boards, the*
22 *department, the Department of Fish and Game, the California*
23 *Coastal Commission, the State Lands Commission, the*
24 *Department of Parks and Recreation, the Department of Forestry*
25 *and Fire Protection, the Department of Pesticide Regulation, and*
26 *the State Department of Health Services.*

27 (C) *In developing the recommendations, the monitoring*
28 *council shall seek to build upon existing programs rather than*
29 *create new programs.*

30 (6) *Among other things, the memorandum of understanding*
31 *shall describe the means by which the ~~California Water Quality~~*
32 *~~Monitoring Council, to the extent that funding is available, shall~~*
33 *~~do both of the following:~~*

34 *~~(1) Work to reduce monitoring council shall formulate~~*
35 *~~recommendations to accomplish both of the following:~~*

36 (A) *Reduce redundancies, inefficiencies, and inadequacies in*
37 *existing water quality monitoring and data management*
38 *programs in order to improve the effective delivery of sound,*
39 *comprehensive water quality information to the public and*
40 *decisionmakers.*

1 ~~(2)~~

2 (B) Ensure that water quality improvement projects financed
3 by the state ~~or the federal government~~ provide specific
4 information necessary to track project effectiveness with regard
5 to achieving clean water and healthy ecosystems.

6 ~~(b) The California Water Quality Monitoring Council~~
7 *monitoring council* shall report, on or before December 1, ~~2007~~
8 2008, to the California Environmental Protection Agency and the
9 Resources Agency with regard to its recommendations for
10 maximizing the efficiency and effectiveness of existing water
11 quality data collection and dissemination, and for ensuring that
12 collected data are maintained and available for use by
13 decisionmakers and the public. The monitoring council shall
14 consult with the United States Environmental Protection Agency
15 in preparing these recommendations. The monitoring council's
16 recommendations, and any responses submitted by the California
17 Environmental Protection Agency or the Resources Agency to
18 those recommendations, shall be made available to
19 decisionmakers and the public by means of the Internet.

20 ~~(c) The California Water Quality Monitoring Council~~
21 *monitoring council* shall undertake and complete, on or before
22 ~~December 1, 2006~~ April 1, 2008, a survey of its members to
23 develop an inventory of *their* existing water quality monitoring
24 and data collection efforts statewide and shall make that
25 information available to the public.

26 (d) All state agencies, including institutions of higher
27 education to the extent permitted by law, that collect water
28 quality data or information shall cooperate with the California
29 Environmental Protection Agency and the Resources Agency in
30 achieving the goals of the monitoring council as described in this
31 section.

32 ~~(e) To the extent funding is available, and in~~ In accordance
33 with the requirements of the Clean Water Act (33 U.S.C. Sec.
34 1251 et seq.) and implementing guidance, the state board shall
35 develop, in coordination with the monitoring council, all of the
36 following:

37 (1) A comprehensive monitoring program strategy that utilizes
38 and expands upon the state's existing statewide, regional, and
39 other monitoring capabilities and describes how the state will
40 develop an integrated monitoring program that will serve all of

1 the state's water quality monitoring needs and address all of the
2 state's waters over time. The strategy shall include a timeline not
3 to exceed 10 years to complete implementation. The strategy
4 shall be comprehensive in scope and identify specific technical,
5 integration, and resource needs, and shall recommend solutions
6 for those needs so that the strategy may be implemented within
7 the 10-year timeframe.

8 (2) Agreement on, and implementation of, comprehensive
9 monitoring of statewide water quality protection indicators that
10 provide a basic minimum understanding of the health of the
11 state's waters. Indicators already developed pursuant to
12 environmental protection indicators for statewide initiatives shall
13 be given high priority as core indicators for purposes of the
14 network described in subdivision (a).

15 (3) Quality management plans and quality assurance plans that
16 ensure the validity and utility of the data collected.

17 (4) Methodology for compiling, analyzing, and integrating
18 readily available information, to the maximum extent feasible,
19 including, but not limited to, data acquired from discharge
20 reports, volunteer monitoring groups, local, state, and federal
21 agencies, and recipients of state-funded or federally-funded water
22 quality improvement or restoration projects.

23 (5) An accessible and user-friendly electronic data system with
24 timely data entry and ready public access via the Internet. To the
25 maximum extent possible, the geographic location of the areas
26 monitored shall be included in the data system.

27 (6) Production of timely and complete water quality reports
28 and lists that are required under Sections 303(d), 305(b), 314, and
29 319 of the Clean Water Act and Section 406 of the Beaches
30 Environmental Assessment and Coastal Health Act of 2000, that
31 include all available information from discharge reports,
32 volunteer monitoring groups, and local, state, and federal
33 agencies.

34 (7) An update of the state board's surface water ambient
35 monitoring program needs assessment in light of the benefits of
36 increased coordination and integration of information from other
37 agencies and information sources. This update shall include
38 identification of current and future resource needs required to
39 fully implement the coordinated, comprehensive monitoring
40 network, including, but not limited to, funding, staff, training,

laboratory and other resources, and projected improvements in the network.

(f) The state board shall identify the full costs of implementation of the comprehensive monitoring program strategy developed pursuant to subdivision (e), and shall identify proposed sources of funding for the implementation of the strategy, including federal funds that may be expended for this purpose. Fees collected pursuant to paragraph (1) of subdivision (d) of Section 13260 may be used as a funding source for implementation of the strategy to the extent that the funding is consistent with subparagraph (B) of paragraph (1) of subdivision (d) of Section 13260.

(g) Data, summary information, and reports prepared pursuant to this section shall be made available to appropriate public agencies and the public by means of the Internet.

(h) (1) ~~To the extent funding is available, commencing~~ *Commencing* December 1, 2008, the Secretary of the California Environmental Protection Agency shall conduct a ~~biennial~~ *triennial* audit of the effectiveness of the monitoring strategy developed and implemented pursuant to subdivision (e). The audit shall include, but need not be limited to, an assessment of the effectiveness of the monitoring and assessment program and the monitoring council in tracking improvements in water quality, and in evaluating the overall effectiveness of programs administered by the state board or a regional board and of state and federally funded water quality improvement projects.

(2) The Secretary of the California Environmental Protection Agency shall consult with the Secretary of the Resources Agency in preparing the audit, consistent with the memorandum of understanding entered into pursuant to subdivision (a).

(i) The state board shall prioritize the use of federal funding that may be applied to monitoring, including, but not limited to, funding under Section 106 of the Federal Water Pollution Control Act, for the purpose of implementing this section.

(j) The state board shall not use more than 5 percent of the funds made available to implement this section for the administrative costs of any contracts entered into for the purpose of implementing this section.

~~SEC. 5. Section 13225 of the Water Code is amended to read:~~

~~13225. Each regional board, with respect to its region, shall:~~

1 ~~(a) Obtain coordinated action in water quality control,~~
2 ~~including the prevention and abatement of water pollution and~~
3 ~~nuisance.~~

4 ~~(b) Encourage and assist in self-policing waste disposal~~
5 ~~programs, and upon application of any person, advise the~~
6 ~~applicant of the condition to be maintained in any disposal area~~
7 ~~or receiving waters into which the waste is being discharged.~~

8 ~~(c) Require as necessary any state or local agency to~~
9 ~~investigate and report on any technical factors involved in water~~
10 ~~quality control or to obtain and submit analyses of water;~~
11 ~~provided that the burden, including costs, of such reports shall~~
12 ~~bear a reasonable relationship to the need for the report and the~~
13 ~~benefits to be obtained therefrom.~~

14 ~~(d) Request enforcement by appropriate federal, state and local~~
15 ~~agencies of their respective water quality control laws.~~

16 ~~(e) Recommend to the state board projects which the regional~~
17 ~~board considers eligible for any financial assistance which may~~
18 ~~be available through the state board.~~

19 ~~(f) Report to the state board and appropriate local health~~
20 ~~officer any case of suspected contamination in its region.~~

21 ~~(g) File with the state board, at its request, copies of the record~~
22 ~~of any official action.~~

23 ~~(h) Take into consideration the effect of its actions pursuant to~~
24 ~~this chapter on the California Water Plan adopted or revised~~
25 ~~pursuant to Division 6 (commencing with Section 10000) of this~~
26 ~~code and on any other general or coordinated governmental plan~~
27 ~~looking toward the development, utilization or conservation of~~
28 ~~the water resources of the state.~~

29 ~~(i) Encourage regional planning and action for water quality~~
30 ~~control.~~

31 ~~(j) Comply with the public information requirements set forth~~
32 ~~in Section 13167.~~

34
35 CORRECTIONS:

36 Text – Page 6.
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